

### REMARKS

Claims 1-58 were pending in the application. The Office Action dated January 17, 2008 ("Office Action") objected to claims 1 and 8 for certain informalities. The Office Action rejected claims 1-12, 23-28, 38, 47-48, and 50-51 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action rejected claims 1-28 under 35 U.S.C. § 101 on the grounds that the claimed invention is directed to non-statutory subject matter. The Office Action rejected claims 1-3, 6-7, and 11-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Betsy Wade, *Customs aims to keep their pledge*, San Antonio Express-News, Mar. 30, 1997, at 3K ("Wade") in view of U.S. Patent No. 6,115,690 to Wong ("Wong"). The Office Action rejected claims 4-5 and 8-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wade in view of Wong and further in view of Coalition for Secure & Trade-Efficient Borders, *Rethinking our Borders: A Plan for Action* (Dec. 3, 2001) ("Coalition"). The Office Action rejected claims 13-17 and 19-28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coalition in view of Wong. The Office Action rejected claim 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coalition in view of Wong and further in view of *Hijacked Jetliners Used as Weapons of Mass Destruction*, Air Safety Week, Sept. 17, 2001, at 1 ("Air Safety"). The Office Action rejected claims 29-36 and 55-58 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Duff Wilson & James Neff, *Terrorists exploited their Saudi visas; U.S. has been lax in monitoring visitors, particularly from rich ally*, Seattle Times, Nov. 11, 2001, at A10 ("Wilson") in view of Wong. The Office Action rejected claims 37-41 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wilson in view of Susan Sachs, *Changes Called Likely In Policy on Immigration*, New York Times, Sept. 24, 2001, at A16 ("Sachs") and further in view of Wong. The Office Action rejected claims 42-54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sally Kestin, *How Did We Miss Enemies In Our Midst?*, South Florida Sun-Sentinel, Sept. 16, 2001, at 1A ("Kestin") in view of Wilson and further in view of Wong.

By the present Response, claims 1, 4, 5, 8-14, 16, 18-23, and 25-28 have been amended, and claims 2, 3, 6, 7, 15, 17, 24, and 29-58 have been cancelled without prejudice or disclaimer. Claims 1, 4, 5, 8-14, 16, 18-23, and 25-28 are now pending in the present application. Reconsideration of the previously rejected claims and favorable action is

requested in light of the above amendments and the following remarks.

Claim Objections

The Office Action objected to claims 1 and 8 because they ended in a double period. As shown in the claim amendments above, the double period has been deleted from claims 1 and 8. Therefore, Applicants respectfully request that the objections be withdrawn.

Claim Rejections – 35 U.S.C. § 101

The Office Action rejected claims 1-28 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Independent claims 1, 13, and 23 have been amended to recite “a computer-based system” comprising “at least one processor,” “at least one computerized database,” and “at least one computer readable medium” that encodes instructions including the various capabilities and applications set forth in claims 1, 4, 5, 8-14, 16, 18-23, and 25-28. Therefore, as currently amended, claims 1, 4, 5, 8-14, 16, 18-23, and 25-28 are directed toward a system, and they contain limitations that provide structure to the system. As such, Applicants respectfully request that the rejections be withdrawn.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

The Office Action rejected claims 1-12, 23-28, 38, 47-48, and 50-51 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to claims 1-12, the Office Action states that it is unclear how “one or more” citizen-facing capabilities can be assisted in working together in situations where there is only one citizen-facing capability. As shown in the claim amendments above, the “one or more” language has been deleted from claim 1. Now, claim 1 simply recites the term “citizen-facing capabilities” in plural form. The Office Action also states that it is unclear whether there is a one-to-one relationship among the citizen-facing capabilities, support capabilities, and infrastructure capabilities when each capability is singular. Because claim 1 no longer recites “one or more citizen-facing capabilities,” no situation exists in which each capability is singular.

With respect to claims 23-28, the Office Action states that the phrase “one or more supporting elements for storing collecting and storing information collected and intelligence developed with the border management solution” is unclear as to what is stored, what is

collected, and how intelligence is developed. Claim 23 has been amended so that it recites “one or more supporting elements for storing information collected and intelligence developed with the border management solution.” It is now clear that the supporting elements store the information collected using the capabilities of the border management solution, as well as the intelligence developed from that information. The Specification explains that intelligence is developed by analyzing and transforming the information collected from the other capability quadrants, using neural networks and rule-based algorithms, for example. (Specification at ¶¶ 75, 148.)

Therefore, Applicants respectfully submit that the § 112 rejections have been fully addressed by the claim amendments above.

Claim Rejections – 35 U.S.C. § 103(a)

The Office Action rejected claims 1-3, 6-7, and 11-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wade in view of Wong, and it rejected claims 4-5 and 8-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wade in view of Wong and further in view of Coalition. As currently amended, independent claim 1 recites “a computer-based system for developing a border management solution” comprising “at least one processor,” “at least one computerized database,” and “at least one computer readable medium encoding instructions for developing a border management solution.” Those instructions provide for “citizen-facing capabilities” that include “a process applications, requests, and cases capability,” “a facilitate movement of immigrants, travelers, and trade capability,” “a detect and enforce border laws and policies capability,” “a conduct enforcement investigations capability,” and “a collect, analyze, and communicate intelligence capability for collecting information about individuals or trade and transforming said information into intelligence to detect and communicate potential individual or trade risks.”

The Office Action asserts that Wade discloses all of the border management capabilities recited in claim 1. In particular, the Office Action contends that the Interagency Border Inspection System (IBIS) referenced in Wade serves as the “collect, analyze, and communicate intelligence capability.” However, Wade simply teaches that Customs officials can obtain information regarding the identity of the passengers on a flight when the passengers’ passports are read during check-in. (Wade at 2, ¶ 2.) The officials then compare that information with the IBIS, a federal law enforcement database, to see if any of the

identities match. (Wade at 2, ¶ 2.) On the other hand, the “intelligence capability” of claim 1 requires “transforming [collected] information into intelligence.” As explained in the Specification, this entails synthesizing and analyzing the information gathered from the other capabilities recited in claim 1 in order “to identify unusual activity and trends at the borders.” (Specification at ¶ 75.) This can be accomplished using neural networks and rule-based algorithms, for example. (Specification at ¶ 148.) Thus, the process of simply comparing passenger identities against a law enforcement database, as taught by Wade, does not disclose the “intelligence capability” of claim 1.

Wong does not compensate for the deficiency in Wade. Wong relates to “software that enables end-to-end, business-to-business Web commerce” and “that automates . . . the various aspects of running a successful and profitable business.” (Wong at 4:7-12.) It teaches nothing about how to transform information collected by various border management capabilities into useful intelligence (such as trends or patterns). Therefore, claim 1 is distinguishable over Wade in view of Wong. Because claims 4, 5, and 8-12 depend from claim 1, they are distinguishable over Wade in view of Wong for at least the same reasons as claim 1.

The Office Action rejected claims 13-17 and 19-28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coalition in view of Wong. As currently amended, independent claim 13 recites “a computer-based system for implementing a border management application architecture” comprising “at least one processor,” “at least one computerized database,” and “at least one computer readable medium encoding instructions for implementing a border management application architecture.” Those instructions provide for “a set of core applications,” “a set of customer channels,” and “one or more management access channels,” wherein “the set of core applications further comprise a set of case management applications, and wherein the set of case management applications further comprise a set of intelligence applications used to transform the border management data into intelligence.”

The Office Action asserts that Coalition discloses the “set of intelligence applications” of claim 13, because it teaches a database that contains information from all of Canada’s immigration, law enforcement, and security agencies, and that the data can be used to track the physical presence of individuals in Canada for the purpose of establishing compliance with residency requirements. (Coalition at 16, ¶ 15 to 17, ¶ 1.) However, the process of

collecting and reviewing information to monitor compliance with residency requirements does not teach the development of intelligence, as recited in claim 13. As explained above, developing intelligence requires transforming the border management data so that it provides some other type of useful information, such as a pattern or trend. Coalition does not teach or suggest any such transformation. Furthermore, Wong fails to compensate for the deficiency in Coalition for the reasons discussed above with respect to claim 1.

As currently amended, independent claim 23 recites a feature similar to the “intelligence applications” of claim 13. In particular, claim 23 recites “a border enforcement intelligence element interconnected with the border management knowledge element and external data sources for transforming data and information collected about a customer into enforcement intelligence.” As a result, the combination of Coalition and Wong fail to teach all of the features of claim 23 for at least the same reasons discussed above with respect to claim 13.

Therefore, claims 13 and 23 are distinguishable over Coalition in view of Wong. Because claims 14, 16, 18-22, and 25-28 depend directly or indirectly from claim 13 or 23, they are distinguishable over Coalition in view of Wong for at least the same reasons as claims 13 and 23.

For the foregoing reasons, Applicants respectfully submit that all of the currently pending claims are allowable over the cited prior art. Favorable reconsideration of the claims is requested, including removal of the rejections under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the foregoing, the Applicants respectfully request that the Examiner consider the claims as amended for examination on the merits. A timely allowance of the pending claims is requested.

If there are any fees (such as necessary extension of time or extra claims fees) due in connection with the filing of this Response and Amendment which are not covered by the concurrently submitted transmittal document, please charge any necessary fees or credit any overpayments to Deposit Account No. 50-1349.

The Examiner is invited to contact Applicants' undersigned attorneys by telephone to discuss any matters if the Examiner feels such discussions may expedite the progress of the present application toward allowance.

Respectfully submitted,

Dated: May 16, 2008

**HOGAN & HARTSON LLP**

555 13<sup>th</sup> Street, N.W.

Washington, D.C. 20004

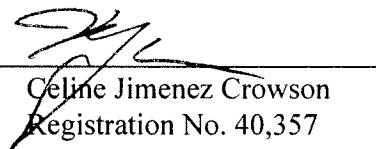
Telephone: 202-637-5600

Facsimile: 202-637-5910

email: [cjcrowson@hhlaw.com](mailto:cjcrowson@hhlaw.com)

**Customer No.: 30398**

By: \_\_\_\_\_

  
Celine Jimenez Crowson  
Registration No. 40,357

Kevin G. Shaw

Registration No. 43,110